

This part of the *Plan* contains rules relating to *financial contributions*.

Financial Contributions may be required as conditions on activities that are *Permitted Activities* under every other Rule in the *Plan* or on *land use consents* or *subdivision consents* and certain *non-residential activities*. *Financial contributions* may, at the Council's discretion, be in the form of money (which is paid), or *land*, (which is provided). The following types of *financial contribution* may be required:

- *financial contributions* may be required in respect of *new dwellings, proposed sites* or *new development* for the provision of *off-site* works and services (Rule 2).
- *financial contributions* may be required in respect of *new dwellings, proposed sites* or *new development* for the provision of *reserves* (Rule 3).

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.

financial contributions



Please note that this Rule is not operative.

<div>RULE 1</div> <div>APPLICATION OF FINANCIAL CONTRIBUTION REQUIREMENTS</div>	
<div data-bbox="256 342 352 376"> <p>RULES</p> </div> <div data-bbox="256 421 408 448"> <p>1.0 General</p> </div> <div data-bbox="256 456 761 519"> <p>The following Rules 1.1 - 1.7 and 2 and 3 shall apply to:</p> </div> <div data-bbox="256 535 761 963"> <ul style="list-style-type: none"> (a) <i>New dwellings</i> that are <i>Permitted Activities</i> under every other Rule in this <i>Plan</i> but to which <i>financial contribution</i> Rules 2 and 3 apply. For the purpose of assessing the <i>financial contribution</i>, such <i>dwellings</i> shall be considered a <i>Controlled Activity</i> with Council's discretion limited to the amount and form of the <i>financial contribution</i>; and (b) <i>Land use consents</i>; and (c) <i>Subdivision consents</i>; and (d) <i>Non-Residential Activities</i> where the <i>assessment value of development</i> exceeds \$250,000. </div> <div data-bbox="256 981 761 1043"> <p>Provided that <i>financial contributions</i> shall not apply in the following circumstances:</p> </div> <div data-bbox="256 1059 761 1341"> <ul style="list-style-type: none"> Where any <i>subdivision</i> is proposed of existing separate fire compartments authorised under NZS 1900 Chapter 5 or by a <i>building consent</i> issued under the Building Act 1991 prior to [insert date that these rules become operative] and which, prior to October 14 1995 would have allowed separate ownership on the basis of unit title, cross-lease or company lease <i>subdivision</i>. </div> <div data-bbox="256 1469 761 2067"> <div data-bbox="256 1469 336 1496"> <p>NOTES</p> </div> <div data-bbox="256 1503 761 2067"> <ol style="list-style-type: none"> If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/ plans. In relation to Rules 1.5(a) and 1.5(b), Council may be able to assist in providing information on previous <i>financial contribution(s)</i> that was made in relation to a <i>site</i>. See also relevant <i>Infrastructure Rules</i> in each of the <i>Human Environments</i>. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all <i>Human Environment Rules</i>, <i>Natural Areas Rules</i> and <i>City-Wide Rules</i>. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>. Words in bold are explained - see the Explanations part of the Introduction to the Rules. The Council may have a guideline to help interpret this rule - check at the Council Offices. For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i>. </div> </div>	<div data-bbox="834 342 1334 376"> <p>RESOURCE CONSENT CONDITIONS</p> </div> <div data-bbox="834 400 1339 490"> <p>In granting a <i>resource consent</i> Council may impose conditions. The conditions may include any one or all of the following matters:</p> </div> <div data-bbox="834 508 1339 618"> <ul style="list-style-type: none"> specifying the <i>financial contribution</i> such other matters provided for in sections 104, 108 and 220 of the <i>Act</i>. </div> <div data-bbox="834 636 1339 792"> <p>Provided that, in the case of <i>Controlled Activities</i> and <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p> </div>

Please note that this Rule is not operative.

RULE 1

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- Where any *subdivision* arises solely from additions or alterations to existing *building* units.

1.1 When Payable

- (a) In respect of a *Controlled Activity* as defined in Rule 1.0(a) and in respect of a *land use consent*, any *financial contribution* shall be paid (with GST added) or provided prior to *development* or prior to commencing *construction* of a *dwelling*.
- (b) In respect of a *subdivision consent*, any *financial contribution* shall be paid (with GST added) or provided prior to the issuing of a certificate pursuant to section 224(c) of the *Act*.
- (c) Any *financial contribution* may be taken, at the Council's discretion, in the form of money and/or *land*.

1.2 Information Requirements

Council shall be able to provide the following information:

- (a) In relation to *financial contributions* charged under Rules 2.1, 2.3, 2.4 and 2.5:
 - the *catchment(s)* over which a *financial contribution* will apply.
 - the standards of service desired.
 - a 10 year projection of the capital works programme necessary to meet the desired standard for the *road(s)*, *wastewater treatment and disposal system(s)*, *stormwater treatment and disposal system(s)* and *public water supply system(s)* as applicable. A new projection will be made at least every 3 years, beginning 1998.
 - a 10 year projection of the maximum expected number of *dwelling(s)* or *sites* which the *road(s)*, *wastewater treatment and disposal system(s)*, *stormwater treatment and disposal system(s)* and *public water supply system(s)*, as applicable, will service. A new projection will be made at least every 3 years, beginning 1998.
 - the amount and cost of providing any excess capacity in the *road(s)*, *wastewater treatment and disposal system(s)*, *stormwater treatment and disposal system(s)* and *public water supply system(s)* where the capacity was provided to cater for future growth

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and to the extent that Council incurred costs in providing it. A new assessment of the amount and cost of any excess capacity will be made at least every 3 years, beginning 1998.

- the basis upon which previous *financial contributions* have been made, including the assessed development potential of a *site*.

(b) In relation to *financial contributions* charged under Rules 3.1 and 3.2 for any impact on *reserves*:

- the *catchment(s)* over which a *financial contribution* will apply.
- the basis upon which previous *reserve* contributions have been made.
- the standards of service desired.
- the demand for reserve acquisition and *development* that exists independently of any new *subdivision* or *land use activity*.
- the amount and cost of providing any excess capacity in *reserves* where this capacity was provided to cater for future growth and to the extent that Council incurred costs in providing it. A new assessment of the amount and cost of any excess capacity will be made at least every 3 years, beginning 1998.
- 10 year projections of the capital works programme and *reserve* acquisition and divestment plan required to satisfy the demand for *reserves* that will be generated by *subdivision* or *land use activity*. New projections will be made at least every 3 years, beginning 1998.
- where available, the *reserve* management plan for existing *reserves*, detailing the function of the *reserve* and the capital works programme for the *reserve*.
- a 10 year projection of the maximum expected number of *dwellings* or *sites* within the *catchment* of each *reserve*. A new projection will be made every 3 years, beginning 1998.

When requested, Council will provide the information listed in 1.2(a) and 1.2(b) in sufficient detail to reasonably justify the amount of the *financial contribution*.

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RULE 1 APPLICATION OF FINANCIAL CONTRIBUTION REQUIREMENTS

1.3 Amount of Financial Contribution

- (a) For the purposes of assessing the amount of any *financial contribution* in money:
 - (i) *land* shall be valued at the estimated unimproved *land* value (excluding GST) subsequent to any *subdivision* being completed.
 - (ii) *development* shall be valued at the development's *assessment value* (excluding GST).
 - (iii) *sites* created through *subdivision* for residential purposes shall be valued on the basis of *development* potential not exceeding one *new dwelling*.

An individual valuation may be requested by an applicant, and at the applicant's cost, to assist in determining *land* value.

1.4 Use of Financial Contributions

Financial contributions shall be used for the provision of *works and services* or for *land* in reasonable accordance with the purposes for which the *financial contribution* was collected. The purpose(s) shall be broadly specified as part of the *resource consent* considerations so as to enable the applicant to reasonably understand where and how the contribution will be spent. This may include the recoupment of costs incurred in providing excess capacity in a service to cater for future growth or in undertaking measures designed to avoid (either wholly or in part) the need for any further expansion or upgrading of the particular service while meeting the desired standard of service.

1.5 Setting the Level of Financial Contributions

- (a) First dwellings:

Financial contributions will not apply in respect of the first *dwelling* on a *site*, where a *financial contribution* equivalent to the amount calculated as payable under the relevant *financial contribution* rule has been paid or provided in relation to a *subdivision* of the *land*. Where the *financial contribution* required is greater than that which has been paid previously (after allowance for inflation, indexed to the consumer price index), then the amount required shall be the difference between the amount already paid and the

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amount calculated as payable under the relevant *financial contribution* rule. The onus shall rest with the *applicant* to demonstrate payment of a previous *financial contribution*, and to demonstrate the amount that was paid.

- (b) Financial contribution already paid or provided:

Where a *financial contribution* has been paid or provided for establishment of a *land use* on a *site*, the amount of that contribution (after allowance for inflation, indexed to the consumer price index) shall be taken into account when assessing a *financial contribution* for *subdivision* of the same *site*. Similarly, where a *financial contribution* has been paid or provided for *subdivision* of a *site*, the amount of that contribution (after allowance for inflation, indexed to the consumer price index) shall be taken into account when assessing a *financial contribution* for *land use* on the same *site*.

Provided, in either case, that the purpose of both *financial contributions* is to avoid, remedy or mitigate similar adverse *effects*. The onus shall rest with the *applicant* to demonstrate payment of a previous *financial contribution* in relation to the *site*; the amount that was paid; and that the purpose of the previous *financial contribution* was to avoid, remedy or mitigate similar adverse *effects*.

- (c) Vested assets

Where an applicant vests *road(s)*, *car parking*, *wastewater treatment or disposal system(s)*, *stormwater treatment or disposal system(s)*, *public water supply system(s)*, or *reserve(s)* in Council, *financial contributions* in respect of Rules 2 and 3 may be reduced to take into account the extent to which these assets provide for future growth.

- (d) Adverse *effects* not more than minor

Financial contributions in respect of Rules 2 and 3 shall be waived or reduced:

- (i) if the activity does not result in adverse *effects* that are more than minor on *roads*, *car parking*, *wastewater treatment or disposal systems*, *stormwater treatment or disposal systems*, *public water supply systems*, or *reserves*; and

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- (ii) if the activity does not utilise excess capacity in any of the above;
- (e) In setting the level of *financial contributions* the following shall be taken into account:
 - (i) the extent to which the activity's adverse *effects* have been avoided, remedied or mitigated *on-site*; and
 - (ii) the extent to which *on-site* measures are proposed or provided which achieve the purpose of the particular contribution (in perpetuity)
 - (iii) the extent to which it is possible to adequately avoid, remedy or mitigate adverse *effects* on items (i)-(vii) listed in Policy 10.27 through provision of a *financial contribution*
 - (iv) the extent to which a *financial contribution(s)* has previously been provided in relation to the activity, taking into account both the purpose of any such contribution and the difference between the amount already paid and the amount calculated as payable under the *financial contribution* provisions at the time of application
 - (v) the extent to which there exist any particular circumstances relevant to the proposal which may satisfy a waiver or reduction, including cultural or *heritage* matters
 - (vi) the extent to which the activity's adverse *effects* on items (i)-(vii) listed in Policy 10.27 have been avoided, remedied, mitigated or offset through means other than provision of a *financial contribution*.
- (f) Necessary information not available

When setting the level of *financial contributions* the Council may also take into account its inability to meet a reasonable request for information under *financial contribution* Rule 1.2.
- (g) Where an application is to be considered as a *Controlled Activity* or *Limited Discretionary Activity*, consideration under this Rule will be limited to the type and amount of the *financial contribution* required. **{A94(c)}**

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Please note that this Rule is not operative.

RULE 1 APPLICATION OF FINANCIAL CONTRIBUTION REQUIREMENTS

- 1.6 On-Site Works and Services**
In respect of *development* or *subdivision* the *site* owner or developer shall provide, or shall pay to the Council the reasonable cost of providing, all *on-site earthworks, landscape treatment, roads, carparking, driveways*, disposal and treatment of waste water and storm water, water supply and the relocation of *buildings* to the standard required by any Performance Standard of the *Plan* or by any *resource consent*.
- 1.7 Notification/Non-Notification**
In relation to *Controlled Activities* and *Limited Discretionary Activities* under Rule 1.0, applications for *resource consent* need not be notified and the written consents of affected parties will not be required.

Please note that this Rule is not operative.

RULE 2

OFF-SITE WORKS AND SERVICES

RULES

2.1 Roads

- (a) For *Residential Activity* involving *new dwellings* or additional *sites* a *road* impact levy may be imposed, in accordance with the following formula

$$(y) \frac{a}{b}$$

where:

- y = the number of *new dwellings* or additional *sites* proposed;
- a = the proportion of the *Optimised Capital Requirement (OCR)* for *residential growth* associated with all *roads* and attributable to a *catchment(s)*, less any contribution from external source(s) towards these works;
- b = the expected increase, over the next 10 years, in the number of *new dwellings* or additional *sites* in the *catchment(s)*.
- (b) For a *Non-Residential Activity* where the *assessment value* of *development* exceeds \$250,000, a *road* impact levy may be imposed, calculated to cover the cost of constructing or upgrading *roads* required as a result of the *development*.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.

2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Areas Rules* and *City-Wide Rules*.

3. Word in *italics* are defined - see the Definitions part of the *City-Wide Rules*.

4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.

5. The Council may have a guideline to help interpret this rule - check at the Council Offices.

6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

Please note that this Rule is not operative.

RULE 2

OFF-SITE WORKS AND SERVICES

2.2 Carparking

Where *off-site car parking* is required to satisfy the *car parking* requirements of the *Plan* or a *resource consent*, and that *car parking* is to be provided by the Council, a cash-in-lieu levy may be imposed equivalent to the current cost of the required amount of *land* and *construction* cost in the location within which the *car parking* will likely be or has been provided, calculated at 25m² for every parking space to be provided. Council shall ensure that *car parking* provided using the cash-in-lieu contribution is able to be provided within a five year period from the date of contribution, and is able to be located within reasonable walking distance (approx. 400m) from the *development* or *subdivision*.

2.3 Wastewater Treatment and Disposal

- (a) For any *Residential Activity* involving *new dwellings* or additional *sites* a *wastewater treatment and disposal system* impact levy may be imposed in accordance with the following formula:

$$(y) \frac{a}{b}$$

where:

y = the number of *new dwellings* or additional *sites* proposed;

a = the proportion of the *Optimised Capital Requirement (OCR)* for *residential growth* associated with all *wastewater treatment and disposal systems* and attributable to a *catchment(s)*, less any contribution from external source(s) towards these works;

b = the expected increase, over the next 10 years, in the number of *new dwellings* or additional *sites* in the *catchment(s)*.

- (b) For a *Non-Residential Activity* where the *assessment value* of *development* exceeds \$250,000, a wastewater treatment and disposal system impact levy may be imposed, calculated to cover the cost of constructing or upgrading the system required as a result of the *development*.

Please note that this Rule is not operative.

RULE 2

OFF-SITE WORKS AND SERVICES

2.4 Stormwater Treatment and Disposal

- For *Residential Activities* and *Non-Residential Activities* a *stormwater treatment and disposal system* impact levy may be imposed, in accordance with the following formula:

$$(y) \frac{a}{b}$$

where:

y = the number of *new dwellings* or additional *residential sites* or *non-residential sites* proposed or the amount of *impermeable surface* area (in m²) proposed to be associated with a *non-residential activity*;

a = the proportion of the *Optimised Capital Requirement (OCR)* for *non-residential growth* or *residential growth* associated with all *stormwater treatment and disposal systems* and attributable to a *catchment(s)*, less any contribution from external source(s) towards these works;

b = the expected increase, over the next 10 years, in the number of *new dwellings* or additional *residential sites* or *non-residential sites* in the *catchment(s)*, or the expected increase over the next 10 years, in the amount of *impermeable surface* area (in m²) created in association with *non-residential activities*.

2.5 Public Water Supply

- For any *Residential Activity* involving proposed *dwellings* or additional *sites* a *public water supply system* impact levy may be imposed in accordance with the following formula:

$$(y) \frac{a}{b}$$

Please note that this Rule is not operative.

RULE 2

OFF-SITE WORKS AND SERVICES

y = the number of *new dwellings* or additional *sites*;

a = the proportion of the *Optimised Capital Requirement (OCR)* for *residential growth* associated with all *public water supply systems* and attributable to a *catchment(s)* less any contribution from external source(s) towards these works;

b = the expected increase, over the next 10 years, in the number of new *dwellings* or additional *sites* in the *catchment(s)*.

(b) For a *Non-Residential Activity* where the *assessment value of development* exceeds \$250,000, a *public water supply system* impact levy may be imposed, calculated to cover the cost of constructing or upgrading the *public water supply system* required as a result of the *development*.

Please note that this Rule is not operative.

RULE 3	RESERVES
<p data-bbox="256 349 352 387">RULES</p> <p data-bbox="256 427 593 456">3.1 Reserves on Subdivision</p> <p data-bbox="256 465 761 560"><i>A financial contribution for reserve purposes may be required as a condition of subdivision consent, and be:</i></p> <div data-bbox="256 577 761 1151"><p>(a) <i>a contribution in money not exceeding 6% of the market value of each additional site, provided that, in the case of a site over 600m² in site area which is to be used for primarily Residential or Rural Activities, the additional site to be valued shall not exceed the equivalent of a 600m² part of the site on which a building platform could be located; or</i></p><p>(b) <i>the equivalent market value in land, to be set aside as public reserve under the Reserves Act 1977; or</i></p><p>(c) <i>a combination of money or land, to improve the public amenity of land set aside or existing as public reserve, provided that the total financial contribution shall not exceed the amount in money that would have been required in (a) above.</i></p></div> <p data-bbox="256 1169 761 1326">Where a contribution is taken for the purpose of providing or upgrading a <i>Neighbourhood Reserve</i>, Council shall ensure that the <i>reserve</i> is able to be located within reasonable walking distance (approx 400m) from the lots in the <i>subdivision</i>.</p> <div data-bbox="256 1680 761 2067"><p>NOTES</p><ol style="list-style-type: none">1. If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/ plans.2. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all <i>Human Environment Rules</i>, <i>Natural Areas Rules</i> and <i>City-Wide Rules</i>.3. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>.4. Words in bold are explained - see the Explanations part of the Introduction to the Rules.5. The Council may have a guideline to help interpret this rule - check at the Council Offices.</div>	

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RULE 3

RESERVES

3.2 Reserves on Development

A *financial contribution* for *reserves* purposes may be required as a condition of any *development* in the following circumstances:

- (a) for the second and further additional *dwelling* on a *site* the provisions of Rule 3.1 shall apply, provided that for valuation purposes the “*site*” referred to in Rule 3.1(a) shall be the “*unit area*” on which the *dwelling* is to be located;
- (b) for any *development* established for a *Non-Residential Activity* for purposes where *assessment value* of *development* is in excess of \$250,000, a contribution in money shall be made, being 0.5% of the *assessment value*.

Where a contribution is taken for the purpose of providing or upgrading a *Neighbourhood Reserve*, Council shall ensure that the reserve is able to be located within reasonable walking distance (approx. 400m) from the *development*.